

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 36126 of 2007(A)

PETITIONER:

JACOB CHERIAN, AGED 59 YEARS,
S/O. CHERIYAN, MOOLAYIL HOUSE
MANARCAD PO, KOTTAYAM 686 019.

BY ADV. SRI.V.PHILIP MATHEW
SRI.JEPH JOSEPH

RESPONDENTS:

1. MANGANAM SERVICE CO-OP. BANK LTD. AND
(NO. 1920) MANGANAM, KOTTAYAM, REPRESENTED
BY ITS SECRETARY.
2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, (GENERAL) KOTTAYAM 686 002.
3. KERALA STATE CO-OPERATIVE EMPLOYEES
PENSION BOARD, P.B.NO. 85, KALA NIVAS,
T.C.27/156, 157, CHINMAYA LANE, KUNNUMPURAM,
NEAR AYURVEDA COLLEGE, THIRUVANANTHAPURAM.1.
4. P.K.JAYAPRAKASH,
FORMER SENIOR CLERK,
MANGANAM SERVICE CO-OP. BANK LTD.
MANGANAM KOTTAYAM.
5. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES, (GENERAL) KOTTAYAM.

R2 & R5 BY SR.GOV.T.PLEADER SMT.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.36126 of 2007-A

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Dated this the 6th day of December, 2007.

JUDGMENT

The petitioner obtained a money decree against another and put it in execution. The judgment debtor is stated to be retiring from the service of a co-operative bank. The petitioner made a representation to the co-operative bank to hold back the retiral benefits due to the judgment debtor. Now, he seeks a writ of mandamus directing the employer of the judgment debtor to consider that representation. Order XXI of the CPC, which governs execution of decrees and orders, provides ample effective remedies to the decree holder and sufficient authority for the executing Court to reach at funds and assets of a judgment debtor. I also do not see any shred of right in any employer to retain retiral benefits

of an employee at the request of a private creditor merely because he has got a decree in his favour. The writ petition does not entitle to be entertained at all. It is dismissed in limine.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/